

REMARKS

Claims 11-13 stand rejected under 35 USC 102 over Pitesky.

The present invention, as defined in claim 11, is concerned with a device for ejecting tablets from blisters of a blister sheet through a foil backing sheet. As stated in claim 11, as now amended, the device comprises a cup having a base and a sidewall defining a cavity, the side wall having a rim which can be placed against the underside of the backing sheet around the position of the blister. A projection for rupturing the foil extends upwardly from a central region of the base and projects above the rim of the cup. The projection is used to strip the foil off the backing sheet from the underside of the blister so that the tablets fall through the ruptured foil into the moat that surrounds the projection and from which the tablets can be retrieved by the patient.

Pitesky shows a device having some superficial similarities to the device claimed in claim 11 but for an entirely different purpose. The purpose of the device shown by Pitesky is to apply an allergy testing liquid to the skin of a patient. FIG. 7 of Pitesky discloses an applicator pick including a stem 38 provided at its distal end with conical tines 32 located on a circle having a diameter of about 3 mm. See the paragraph starting at column 6, line 27. Applicant acknowledges that patent drawings are not necessarily to scale, but even taking account of this fact it is evident that the applicator pick shown by Pitesky would not be suitable for ejecting tablets from a blister of a blister sheet through a foil backing sheet. If the pick were used in an inverted orientation in the manner described for use of applicant's device, the relationship between the long stem 38 and the relatively small, shallow cavity surrounded by the wall 46 would result in a substantial likelihood that unless the user were very careful to orient the pick vertically, any tablet falling from a blister sheet would either miss the cavity or bounce out of the cavity.

In view of the foregoing, applicant submits that the invention as defined in claim 11, as now amended, is not disclosed or suggested by Pitesky. Therefore, claim 11 is patentable and it follows that the dependent claims also are patentable.

Applicant gratefully acknowledges that the examiner has indicated that claims 14-20 contain allowable subject matter. Accordingly, those claims are patentable independently of claim 11.

The new claim 21 is directed to the feature disclosed at page 5, lines 24-25, namely that the projection extends about 1 cm above the rim of the cup. Then, when the device is in use, the rim of the cup of close to, or abutting against, the backing sheet and there is little likelihood that any tablet falling from the blister would miss the moat. This feature is not disclosed or suggested by Pitesky. Therefore, claim 21 is patentable independently of Pitesky.

The new claim 22 also distinguishes the invention clearly over the disclosure of Pitesky, independently of claim 11. In accordance with claim 22, the projection is a blade having an upper end that extends substantially along a diameter of the cup and includes teeth spaced apart along the diameter to assist rupturing of the foil. This feature is not disclosed or suggested by Pitesky. Therefore, claim 22 is patentable independently of claim 11.

In view of the foregoing, applicant submits that all claims of record in this application are allowable.

Respectfully submitted,



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